COTTON TEST SUITS FILED.

wo Actions Aimed at New Act

Taxing Futures.

The Cotton Exchange firms of Weld Neville and Hubbard Bros. & Co. filed

suits in the United States District Court

suits in the United States District Court yesterday to test the constitutionality of the cotton futures act passed last August which imposes a tax of two cents a pound on transactions where the con-tract is not in the form and according

to the regulations prescribed in the act.

The defendant in both suits is the Collector of Internal Revenue. Weld & Neville seek to recover \$960 paid under protest as a tax on a transaction of 100 bales of cotton sold in Liverpool. Hubbard Bros. & Co. demand the re-

Hubbard Bros. & Co. demand the re-turn of \$1,000 paid under the new law

BUSINESS TROUBLES

Petitions in Bankruptcy.

Bankruptcy Schedules.

LILLIAN ST. LEON, trading as the Lotus gowns, costumes and millinery, at 244 Broadway and at 42 West Thirty-nint street, schedules show liabilities of \$11 053; assets, consisting of accounts \$1.500, and stock and fixtures in the hands of an assignee, value unknown.

WIII Sell Holtz Restaurant.

OLTZ & FREYSTADT CO.—Hampton Ewing, the receiver for Holtz & Fr stadt Co., restaurant, 365-369 Broadw has been authorized by Judge Lear;

has been authorized by Judge Learned Hand to continue the business and to accept an offer of S. S. Turnbridge to purchase the restaurant for \$23,000 cash. The furniture and fixtures of the restaurant at Broadway, corner of Houston street, are to be sold at public auction. The receiver estimates he will have \$23,000 to meet claims of less than \$27,000, and that the debts will be paid in full.

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MANY TROUT STREAMS

WONDERFUL COUNTRY

#### **BIG PLAN TO SAVE** MISSOURI PACIFIC

Directors and Bankers Find Way to Avoid Losses of Litigation.

FEEL SURE OF SUCCESS

The biggest task in railroad reorgansation financing that has ever been attempted in this country without resort receivership was begun yesterday then the plan of voluntary readjustent of the finances of the Missouri acific Railway system was finally greed upon by leading interests in the egreed upon by leading interests in the system and by Kuhn, Loeb & Co.,

The size of the problem astounded Wall Street. It was realized that success meant the securing of the consent of holders of more than \$436,000,000 of much size of the problem astounded of holders of more than \$40,000,000 of much of the company's obligation to them, as well as the raising of more than \$40,000,000 of new cash by voluntary subscription of the stockholders.

Such an undertaking would be considered difficult even when attempted

sidered difficult even when attempted through the courts in receivership pro-ceedings, when compulsion and not con-sent to a readjustment could be relied

The directors of the system and the bankers in charge of the plan were applauded for the determined effort they applied for the determined effort they have launched to see the Missouri Pacific through a voluntary readjustment that will save the security holders anywhere from \$1,000,000 to \$3,000,000 in court and receivership expenses.

Experts See Big Possibilities.

The property is looked upon as po-tentially one of the finest in the coun-try. Railroad experts from many other panies have examined it and pronounced it capable of wonderful devel-opment and rich earnings under a finan-cing plan that will restore its fallen credit. The territory through which it passes, it is said by those in nearest fouch with it, has just begun to see the growth of which it is capable.

Directors, though they admitted yesterday that the effort to readjust so great a system without the aid of the

great a system without the aid of the looked foolish to the ordinary financial vision, expressed confidence that success was possible. They said that the strongest effort would be made to attain it. One director pointed to the fact that the task of securing the conact that the task of securing the con-act of the \$25,000,000 note holders had been accomplished with a minimum of refusals to extend, in the face of the widest doubts expressed that it could ever be accomplished. A similar result s hoped for in the present case.
Only one or two of the great railroad

systems have ever been reorganized ithout a receivership. The drastic nature of the plans is

best shown in the provision for a \$50 assessment on the stockholders. The stock yesterday felt the effect of this in a drop of 2 points to \$%.

The core of the trouble with the system is said to be its vanished credit. Nobody will buy Missouri Pacific securities. The system cannot get money out-side of what it earns. Its earning power under President Bush has been demonstrated as excellent with proper im-provements and financing.

New Instrument of Credit First.

The first big work of the reorganizaers, therefore, has been to provide the system with a new instrument of credit. This has been done in the plan shortly to be presented to the security holders in a new blanket mortgage on the property. It will probably be an open mortgage of the median type limited by the rage of the modern type, limited by the proportion that its size at any time may bear to its stock capitalization. The new mortgage will be of a size sufficient to refund as they mature many of the smaller mortgages now placed on sub-

divisions of the system.

To make this credit instrument salable, however, the reorganizers have had to clear away certain immediate debts of the company. The most promi-nent of those is the \$25,000,000 of notes due June 1 next. The \$40,000,000 needed for this and to provide about \$15,000,000 for improvements during the next two years is to be raised through the \$50 a share stock assessment. The reorganizers have taken care to

see that in the event of failure by stockholders to subscribe any part of this amount the balance will be underwritten. The necessary syndicate prob-ably will be formed by Kuhn, Loeb & Co. Another radical feature of the plan is the provision for the wiping out of the is the provision for the wiping out of the \$37,255,000 collateral trust forty year 4 per cent. bonds and the \$29,806,000 first and refunding convertible 5s as mortgage obligations and the substitution for them of a new preferred stock to an equal amount of the present face value of the bonds. These two bonds are now each selling at about 3s. The market value of the new preferred stock the bondholders are to be asked to the bondholders are to be asked to receive is reckoned to be about 50.

#### Inducement to Subscriber.

An inducement of attractive nature to be offered for the payment of the \$50 assessment in the provision that the subscriber will receive 50 per cent, of the amount of his subscription in the new mortgage bonds. He will receive in addition 100 per cent. of the amount of his subscription in new preferred

The holders of the consolidated 6 per cent, bonds of the 5s of 1917, of each of which there are outstanding nearly \$15,000,000, and of other underlying bonds, will not be affected. Their holdings, according to plans, are not to be touched. The rolders of branch line securities and sub-division bonds in instances will be asked to accept new mortgage bonds on a basis fixed by the intrinsic value of the properties to the

main system.

It is likely that a new company will be formed in which the Iron Mountain and the Missouri Pacific railways will be more closely consolidated than at the

present.

The result of the wiping out of the two mortgages and of other scaling down will be a reduction in yearly interest charges upon the system of be-tween \$3,000,000 and \$4,000,000. As the system earned the small surplus of about \$75,000 in the year ended June 30.

EXCURSIONS.



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1914, and as the deficit of this year will probably be something more than \$2,000,000, the cutting of the charges by the amount planned will give the sys-tem a substantial balance under normal conditions of railroad earnings and the conditions of railroad earnings and the increased earning power the reorganization should give.

The arms of railroad earnings and the bondholders unprotected. Interest has been due on the bonds, it is alleged, since July, 1912.

ing the vast conflicting interests in a Company. What was left over from the plan of this kind is not lost sight of by absorption of these lines, which are the directors. The impelling nature of named as defendants in the suit, was the reorganization, however, is relied on devoted to the construction of terminals

most certainly be resorted to if there is a hitch in the acceptance of the present plan.

Directors said yesterday that the equity in the property to the extent of from \$1,000,000 to \$3,000,000, which would be dissipated through receivership expense if the voluntary plan is not agreed to, should be the most convincing proof to the stockholders that receivership should be avoided. The present plan has already received the approval of a number of the larger security holders. It will be finally presented to the directors at the meeting on next Tuesday and probably made public at that time.

SUMMER RESORTS

FLORIDA LINE RECEIVER IN SUIT OVER \$4,000,000

Winslow Appointed in Action of Stockholder to Foreclose Mortgage.

William B. Winslow of 55 William street was appointed receiver of the Florida Railway Company and its subsidiaries by Judge Augustus N. Hand in the United States District Court yes-terday under a \$50,000 bond.

terday under a \$50,000 bond.

The appointment was made in a suit brought by Carl J. Sauer of Elizabeth, N. J., on behalf of himself and other bondholders to foreclose a \$4,000,000 mortgage on the property of the Florida company. The plaintiff explains that it Braistreet's reports 376 business failures during the week in the United States, against 328 for the previous week and 239, 250, 229 and 27 for the corresponding weeks of 1914 to 1911. The middle States had 107, New England, 38; Southern, 92; Western, 78; Northwestern, 21, and far Western, 49. Canada had 39, against 45 for the preceding week. About 80 per cent, of the total number of concerns failing had less than 35,000 capital and 8 per cent, had from \$5,000 to \$20,000 capital. was necessary for the stockholders to bring this action because the Union Trust Company of Florida, which was the nominal trustee of the mortgage and as such should have brought the suits, had never qualified, and had left the Petitions in Bankruptcy.

S. ELBERGER & CO., manufacturers of waists and dresses, 148 Greene street, petition in bankruptcy by creditors. Liabilities, 16,000; assets, 13,000. The firm made an assignment on Thursday. FON CO., INC., millinery, Mount Vernon, New Rochelle and White Plains, petition in bankruptcy by creditors. Liabilities, 37,000; assets, \$4,000. W. A. Fox is president, David Fox secretary. PHILIP WOLFENSTEIN, 227 West 110th street, filed a petition in bankruptcy. Liabilities, \$1,160; no assets.

increased earning power the reorganization should give.

The amount of new stock that will be issued wilf be between \$100,000,000 and \$150,000,000, us compared with the \$83,-200,000 now outstanding. It is possible an income bond may be substituted for the proposed new preferred stock, though the latter is considered the more likely.

The tremendous difficulty of harmonizing the vast conflicting interests in a Company. What was left over from the to win its success. Receivership will and the lines of the Florida Railway, most certainly be resorted to if there is which runs between Live Oak, Fla., and

SUMMER RESORTS.

SUMMER RESORTS

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